

In the claims:

1. (currently amended) Apparatus for use by a wireless device in a wireless communications environment including multiple access points and stations, wherein stations gain network access by associating with one of the access points, comprising:

~~logic~~ data processing apparatus for associating the wireless device with a current access point on a first channel;

~~logic~~ data processing apparatus for automatically collecting, by the wireless device, information about access points operating on other channels, including indications of transmit power backoff;

~~logic~~ data processing apparatus for ascertaining, by the wireless device, whether the wireless device should attempt to associate with an alternative access point operating on a second channel, the ascertaining logic employing, at least in-part, indications of signal strengths of transmissions from the alternative access point, and technology type employed by the alternative access point; ~~and~~

~~logic~~ data processing apparatus for requesting association with the alternative access point if it is ascertained that the wireless device should attempt to associate with said alternative access point, wherein the ~~logic~~ data processing apparatus for ascertaining obtains an indication of expected data rate of service by the alternative access point, and ascertains that the wireless device should attempt to associate with the alternative access point operating on said second channel if the alternative access point on said second channel has a greater expected data rate than an actual data rate provided by the current access point; and

data processing apparatus operable if requested association is approved by the alternative access point to cause the wireless device to become associated with that alternative access point.

2. (cancelled)

3. (cancelled)

4. (currently amended) The apparatus of claim 1 wherein the ~~logic~~ data processing apparatus for ascertaining ascertains by:

calculating a first biased distance between the wireless device and the current access point based on “x” samples;

calculating a second biased distance between the wireless device and the alternative access point operating on said second channel based on “y” samples where “y” is less than “x”;
and

ascertaining that the alternative access point operating on said second channel is closer than the current access point if the second biased distance is less than the first biased distance.

5. (currently amended) The apparatus of claim 1 wherein the ~~logic~~ data processing apparatus for requesting association requests association by sending a bid message to the alternative access point operating on said second channel prior to disassociating from the current access point.

6. (currently amended) The apparatus of claim 1 wherein the alternative access point is operating at a purposefully attenuated transmission signal strength, and wherein the ascertaining ~~logic~~ data processing apparatus also employs maximum potential signal strength of the

alternative access point for ascertaining whether the wireless device should attempt to associate with the alternative access point.

7. (currently amended) The apparatus of claim 1 wherein the ascertaining ~~logic~~ data processing apparatus also employs technology type being employed by devices associated with the alternative access point.